

REPLY TO OFFICE ACTION OF APRIL 11, 2005

REMARKS / ARGUMENTS

Introduction:

I. Claims 1 through 7 have been amended to overcome the objections set forth in the Office Action under 35 U.S.C. § 112 as set forth below:

Claim 1 at former line 9 is amended to strike the limitation “said measurement is accomplished” and substitute the phrase “said motion is identified.” This amendment makes it clear that the “said motion” being identified is the same “motion” described in the first two lines of Claim 1, to wit:” A method, the Prescribed Method, for identifying the motion of a metal object at an elevated temperature....” (Emphasis added.) This amendment provides the sufficient antecedent basis for this limitation in the Claim.

Claim 2 is amended to strike the limitation “~~can be~~” and substitute the limitation “is” to make the limitation clear and definite.

Claim 3 is amended to strike the limitation “~~can be~~” and substitute the limitation “is” to make the limitation clear and definite.

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Claim 4 is amended to strike the limitation "~~can be~~" and substitute the limitation "is" to make the limitation clear and definite.

Claim 5 is amended:

- to strike the limitation "~~can be~~" and substitute the limitation "is" to make the limitation clear and definite; and
- to add "in Claim 1" to the limitation "the Prescribed Method" to make it clear that the antecedent basis for this Claim is the Prescribed Method in Claim 1.

Claim 6 is amended:

- to strike the limitation "~~can be~~" and substitute the limitation "is" to make the limitation clear and definite; and
- To add "in Claim 1" to the limitation "the Prescribed Method" to make it clear that the antecedent basis for this Claim is the Prescribed Method in Claim 1.

Thus, these amendments make the limitations in Claims 1,2,3,4,5 and 6 *clear and definite* by using "is" instead of "may be" and make it clear that the *antecedent basis* for Claims 1,2,3,4,5 and 6 is the Prescribed Method in Claim 1 in order to overcome the objections set forth in the Office Action under 35 U.S.C. § 112.

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**II. Claims 5 through 7, have been amended to overcome the objections set forth in the Office Action under 35 U.S.C. § 102(a) that Claims 5 through 7 were anticipated by Hyakutake et al.**

**Claim 5** is amended to add the limitation “in Claim 1” to the limitation “the Prescribed Method.” **Claim 6** is amended to add the limitation “in Claim 1” to the limitation “the Prescribed Method.” **Claim 7** is amended to add the limitation “in Claim 1” to the limitation “the Prescribed Method.”

Claims 5 through 7 are each dependent upon the Claims in Claim 1. The Prescribed Method described in Claim 1: (a) uses the unique surface marks formed by oxidation on the surface of the hot metal, (b) identifies the locations of certain selected surface marks in different images that are taken at known different time instances and then (c) compares the location differences and time differences of the selected surface marks in the different images in order to identify the motion of a metal object at an elevated temperature. Since the Prescribed Method in Claim 1 was not anticipated by **Hyakutake et al.** it is logical that Claims 5 through 7, which depend on Claim 1, could not have been anticipated by **Hyakutake et al.**

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III. Claim 8 has been amended to overcome the objections set forth in the Office Action under 35 U.S.C. § 102(a) that Claim 8 was obvious by virtue of the teachings of Hyakutake by making Claim 8 dependent on the Prescribed Method in Claim 1,

Claim 8 is specifically dependent upon Claim 7. The antecedent basis for Claim 7 is the Prescribed Method in Claim 1. Claim 8 is simply a type of camera (CCD) to implement the Prescribed Method in Claim 1. Since the Prescribed Method in Claim 1 is not obvious, the use of a CCD camera per Claim 8 cannot be obvious. Therefore, the amendment, by making Claim 8 dependent on the Prescribed Method in Claim 1, overcomes the objections that Claim 8 is obvious by virtue of the teachings of Hyakutake.

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**IV. Claim 9 has been amended to overcome the objections set forth in the Office Action under 35 U.S.C. § 103(a) that Claim 9 was obvious by virtue of the teachings of Hyakutake by making Claim 9 dependent on the Prescribed Method in Claim 1,**

**Claim 9** is specifically dependent upon Claim 7. The antecedent basis for Claim 7 is the Prescribed Method in Claim 1. Claim 9 is simply a type of camera to implement the Prescribed Method in Claim 1. Since the Prescribed Method in Claim 1 is not obvious, the use of a CMOS camera per Claim 9 cannot be obvious. Therefore, the amendment, by making Claim 9 dependent on the Prescribed Method in Claim 1, overcomes the objections that Claim 9 is obvious by virtue of the teachings of Hyakutake.

APP. NO. 10/689,404

AMENDMENT DATED: MAY 6, 2005

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**CONCLUSION:**

For the foregoing reasons, all presently pending Claims, namely Claims 1 through 9, are now believed to be in a condition for allowance. Early notice of the same is hereby respectfully requested.

Respectfully submitted,

By: \_\_\_\_\_

  
Patrick B. Long  
Chairman  
OG Technologies, Inc.  
4300 Varsity Drive, Suite C  
Ann Arbor, MI 48108  
(734) 973-7500  
Email: Long@OGTECHNOLOGIES.COM